



LAPORTE COUNTY PLAN COMMISSION

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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES

July 23rd, 2019

MEMBERS PRESENT:

John Sullivan	Gene Matzat
Rita Beaty Kelly	Earl Cunningham
Harold Parker	Glen Minich
Jeff Wright	

OTHERS PRESENT: Annemarie Polan, Building Commissioner, Doug Biege, Attorney, Ashley Kazmucha, Secretary.

PLEDGE OF ALLEGIANCE

Rita Beaty Kelly asked for approval of the meeting minutes of June 25th, 2019.

Harold Parker made a motion to approve as presented.

John Sullivan seconded.

John Carr seconded.

All approved. Motion carries 6-0.

Rita Beaty Kelly asked for a motion for the approval of the agenda.

Gene Matzat made a motion to approve as presented.

John Sullivan seconded.

All approved. Motion carries 6-0.

Petitions:

1. Petitioner Pritz Family LLC represented by C.H.A.A.P.C. ("Petitioner") respectfully petitions the Plan Commission to subdivide the parcel into a 27-lot subdivision located next to and east of 8202 W. Pahs Road, Michigan City, IN., Coolspring Twp., zoned B2 on 16.43 acres. Parcel 46-05-03-400-200.000-46. Exhibits attached hereto.

Attorney Biege stated last month this petition was presented to the commission. The code requires a majority of the commission to make a pass or a fail. We had a quorum of five people, but in order for anything to pass or fail a unanimous decision had to be made by the commission present. We had a decision of 3-2 on voice call as one person changed their vote. The vote was considered as non-action and it gets set over to the next meeting and presented until a majority of the commission votes pass or fail.

Attorney Biege stated the decision is based on whether the application complies with the ordinance only. If they think the houses are ugly or too close together, they are irrelevant issues. The Building Commissioner's opinion counts whether the subdivision complies with the ordinance and that is all. If any member decides no, they must provide a reason as to why they think it does not comply with the ordinance.

Harold Parker asked if they actually have to state a reason why they plan to say no.

Attorney Biege stated yes.

Harold Parker asked why.

Attorney Biege explained that if the decision is appealed the appellee needs to know why you said no.

Harold Parker asked if they would be pulled into court.

Attorney Biege stated no, it is discretionary, but they need to have the ability to appeal if they do not like the commission's decision. If they appeal, they have a right to know why they said no. He stated he does findings of fact and conclusions of law after every decision is made by the commission and in the findings, he has to state why they said no.

Earl Cunningham asked if a majority vote is not achieved, can the petitioner come back every month until there is a majority vote.

Attorney Biege stated yes. It is considered no action without a majority vote either way. He stated this area of the zoning code specifically states a majority of the plan commission. The other two petitions on the agenda's corresponding codes do not state a majority of the plan commission.

Matt Garritano stated he was representing Charles Hendricks and Associates Surveying and Engineering located at 512 Lincolnway, LaPorte, IN.

Matt Garritano stated he is there on behalf of the Pritz family to propose the Winding Creek Way subdivision. He stated the parent parcel is presently zoned R2A and that it has not been updated on Beacon from B2. He stated Winding Creek Way is a twenty-seven (27) lot townhome subdivision with one-story single-family houses that have three bedrooms and two-car garages for each unit. He stated the prices for each unit for said homes will be in the \$225,000.00 market, the subdivision will contain a private roadway to be maintained by the HOA, and the subdivision

will have Michigan City sewer and water. The subdivision will have two oversized retention ponds and a walking path for the homeowners. The residences will not be apartments or rentals. He stated the private roadway will have a concrete ribbon curb with environmentally friendly storm water drainage swales that will aid in naturally filtering out contaminants and salt from the roadway. The layout and design will maintain the character of Pahs Road in being residential in nature. There will be no driveways onto Pahs Road directly; all driveways will be on the private roadways inside the subdivision. The subdivision will have trees, light posts, fire hydrants, and limited sidewalks. He stated the roadways will be designed and constructed to LaPorte County Highway standards. The construction process of the proposed subdivision will be done in four phases. The lots meet and exceed the size requirements for R2A zoning which is approximately 5,000 ft² a unit or 10,000 ft² a lot, which is two units per lot; the units will have approximately 1,400 ft². He stated there is a wetland protection zone to the East and all captured surface storm water will be directed to the retention ponds and not to the wetland. The wetland will be protected by installing a 50 ft (50') vegetative strip. He stated the property is not in a flood zone and is more than 50 ft (50') above trail creek in elevation.

Harold Parker stated they will have Michigan City sewer and water.

Matt Garritano confirmed.

Harold Parker asked about storm water.

Matt Garritano stated storm water will be contained on site with the retention ponds.

Harold Parker stated the storm water was an issue this year with all the rain water we had. There was a lot of damage outside the containment areas. He asked how he can be sure that the ponds will contain all the water.

Matt Garritano stated the ponds are oversized and they are holding onto all their water.

Harold Parker asked what would happen if they overflowed; where would the water go.

Matt Garritano stated the overflow, if even possible, would flow North with the natural elevation and grading over the remainder of the owner's property.

Harold Parker asked if the water would migrate through the ground, a ditch, or trail creek.

Matt Garritano stated it would migrate through the soil to the North.

Harold Parker asked where the water would end up.

Matt Garritano stated it would ultimately be in the ground water.

Harold Parker stated he isn't answering his question; where does the water go when it floods.

Matt Garritano stated North.

Harold Parker asked what facilities are in the area to contain the flood waters; are there storm and water sewer that take care of the water.

Matt Garritano stated the nearest would be the south side of the right of way of Highway 20, but it would have to go through all of the ground before it could get there. It would have to be a catastrophic failure of the entire field.

Glen Minich stated there is a large drainage ditch on the south side of Highway 20.

Harold Parker asked where does it go and who is responsible for that. He asked if it was city responsibility.

Matt Garritano stated he cannot say for certain where the drainage ditch for Highway 20 ultimately ends up.

Harold Parker stated his ground water would go to Highway 20.

Earl Cunningham stated the ground should absorb it, but there have been many occasions where water has covered Highway 20.

Matt Garritano stated he does not have the numbers specifically for a flood that they are indicating, to flood the entire property and all adjacent properties, but he could find the information.

Harold Parker stated he wanted to know if there was storm water other than run off. There is no storm water sewer going to this area.

Matt Garritano stated no; they are containing all of their storm water for hard surface on site.

Glen Minich stated the storm water retention they are doing is for a standard seven-year flood rain.

Annamarie Polan stated they are going above and beyond; they are exceeding the requirements.

Matt Garritano stated the initial design was for detention with the required amount for holding on to, but there were concerns about storm water and the changes were made from detention to retention ponds and made them even bigger. Instead of legally letting the amount they were required to hold on to, they are holding all of it and made the ponds larger. If they want specific number as to pass the pond where the water will go, he can get those figures, but he does not have them with him. The ponds are oversized for that reason.

Harold Parker asked Glen Minich if there is enough drainage to take care of the amount of water.

Glen Minich stated yes. The developer owns more than two times the size of this property to the North. It would be a good example of how the area will handle the water and that there shouldn't

be any problems. The area is grass whereas it used to be haphazard brush and tillage that compacts the ground. It will be a good judge for future expansions.

Rita Beaty-Kelly asked if there were remonstrator, to keep in mind that the only consideration is if it complies with the county ordinance.

Remonstrator:

Tom Banci stated his address is 5271 N. Johnson Rd., Michigan City, IN.

Tom Banci stated he is remonstrating against the petition. He lives right on Johnson Road looking out onto the property. He stated that in regards to rain water, the farm across the street actually turns into a lake quite often. He thinks that personally as a homeowner in that area for about fifteen years, he doesn't particularly see the need to keep putting in these high-density subdivisions. If they were single-family homes on the property, he would not have a problem. There is so much traffic on Johnson coming through on Pahs Road, they can hardly get out of their driveways. The more people packed in will be a bigger strain on services. You're not in the city any longer, you're in the county. Sheriff and Coolspring fire department would have more strain. Across the street from the subdivision are single family home. The new units will be fourteen-hundred square feet going for quarter of a million dollars and he can't see how they will sell for that much. There is subsidized housing right next door and the housing across the street are valued at sixty-seventy-eighty thousand dollars. In that little spot, it will be a quarter million dollars for a townhome. He stated he doesn't think there needs to be a subdivision there; single-family homes he would be fine with though. He stated the Army Corps of Engineers stated years previously that the land couldn't handle high density-population, at best single-family homes, but preferably to be left as farm land. He sees Route 20 flood all the time and the ditches on both the North and South side come right up to the street. It's supposed to be farm.

Jeff Wright joins the Commission attendance at 6:13.

Jason Howard stated his address is 5303 N. Johnson Rd., Michigan City, IN.

Jason Howard asked where the entrances will be the subdivision will be.

Earl Cunningham asked if he had been by Pahs Road today.

Jason Howard stated no. He just wants to know if there are entrances on Pahs Road.

Annemarie Polan showed Jason Howard a drawing of the proposed subdivision and stated there will be one entrance.

Jason Howard stated he thinks one is too many because the high school is nearby. Pahs Road is in and out. When you leave the school, you can go East or West and it's dangerous. He has a son that attends the school and drives and he worries about him driving on Pahs Road and having to turn onto Johnson Road because it is so clustered with people. After the development of the nearby complex, the traffic increased. This new subdivision will add more traffic to a school that

used to be safe to get to and get away from. He doesn't understand how that much more traffic can be put in front of a high school that has only one road of exit. His main concern is safety for drivers including all the young drivers commuting to the high school.

Rita Beaty-Kelly stated please keep in mind that this is only consideration that complies with the ordinance.

Dawn Banci stated her address is 5271 N. Johnson Rd., Michigan City, IN.

Dawn Banci stated that the reason we are here is based on the zoning ordinance we had that ruling and such, but this page on the agenda it says the property is zones B2 and during the presentation it was said it was zoned at R2A.

Ashley Kazmucha stated it was re-zoned. It is currently still listed as B2 and that's the only reason it reads that way. It is zoned R2A.

Dawn Banci asked if that was the zoning that required us to come back this evening.

Annemarie Polan stated no.

Attorney Biege stated that the way the vote was previously, without enough people to vote either for or against is why the petition is being heard again. The vote was not unanimous before.

Dawn Banci stated he made the comment that the other people here are not here for that particular zoning ordinance.

Attorney Biege stated we are not here for anything different than we were last month, we just didn't have a 100% vote last month.

Dawn Banci stated that he said that the other people that are here for other petitions, those zones don't require that type of vote; is it the B2 or R2A that required them to come back.

Attorney Biege stated that the zoning had nothing to do with it, when they filed the petition and they went onto Beacon and it was listed as B2 and that was out of date. It's really R2A.

Dawn Banci asked if R2A is the zoning ordinance that required them to come back.

Attorney Biege stated no.

Dawn Banci stated that is what your words were.

Attorney Biege stated let me tell you what my words were, don't tell me what my words were.

Dawn Banci stated that is what she heard.

Attorney Biege stated a unanimous vote was needed because we only had a quorum last month and the code states that the vote needs a majority of the whole commission to either pass or fail. The vote was not unanimous so we had to come back until there were enough people to have a vote be the majority either for or against. It has nothing to do with the zoning designation.

Dawn Banci asked where the code is available to the people.

Attorney Biege stated it is online.

Dawn Banci stated she looked earlier and could not locate that information because it wasn't until she was there that they were told they could only talk about certain things that she could not find prior to the meeting.

Ashley Kazmucha stated that if you google the joint zoning ordinance for LaPorte County it will bring up a pdf.

Dawn Banci stated she did look up the minutes as well and that they are two months behind to find out any of the information as well. She stated at the previous meeting water retention was discussed as well as the north property being able to absorb the water. She stated there was a discussion that they have plans to go the next level of building further on that property. She is concerned there is a vote to go ahead with the plan with a future to then use that land for something else than the water being expected to absorb into the ground.

Earl Cunningham asked if there were eight members tonight.

The Commission stated seven.

Earl Cunningham asked if there is a 4-3 vote, they can come back next month.

Attorney Biege stated yes, it has to be at least 5 either way.

Annemarie Polan stated that this is the type of development that you want to see because it is close to the city with amenities like city water and sewer. They are also oversizing what they have to do with the retention ponds and going above and beyond.

Matt Garritano stated that the only question he heard was about the entrance and he was shown a photo. He confirmed there will be only one entrance and a private road. In initial rough stages, they thought about doing entrance off Pahs road, but they took into consideration traffic and safety and they made it one way in to mitigate and protect all the people in the area and those that go to the school, especially the young drivers. This tried to accommodate not only the wishes of the client, but the surrounding area and population.

Glen Minich asked what the speed limit is on Pahs Road.

Matt Garritano stated 15 mph in the school zone when people are present, but otherwise 30 mph.

Glen Minich stated that is fairly slow and safe travel.

Jeff Wright asked about the new intersection at Pahs Road and about the grades; are they flat or hilly.

Matt Garritano stated the initial elevation of the road will be similar and then the road will slope downhill with the natural flow of the ground.

Jeff Wright stated it slopes into the property.

Matt Garritano confirmed.

Jeff Wright asked about Pahs road itself; is it going uphill or downhill?

Matt Garritano stated he isn't sure if it at a plateau at the intersection or not or if it is sloped to the East of Johnson Road.

Jeff Wright asked if it is mostly flat.

Earl Cunningham stated it is pretty close to flat.

Jeff Wright stated he was thinking of sight distances and stopping distances along Pahs Road.

Matt Garritano stated there are no obstructions on the North side of the right of way.

Jeff Wright asked if a survey was done, would it meet the sight and stopping distances along Pahs Road.

Matt Garritano stated yes.

Jeff Wright asked for explanation on the water as he may have missed some of the information due to his late arrival. He asked if the ponds are 100% retention.

Matt Garritano stated they are 100% retention.

Jeff Wright asked what the drainage ordinance requires for retention.

Matt Garritano stated he does not have those value specifically.

Jeff Wright stated 100% plus 50% more or something like that.

Matt Garritano stated he is unsure.

Jeff Wright asked if the volume they are showing in accordance with the drainage ordinance.

Matt Garritano stated yes and then some. The ponds are oversized.

Jeff Wright asked if it would be 150% at least above what's required for the ordinance.

Matt Garritano stated if the ordinance is 100%, he is unsure of the exact percentage they are oversized.

Jeff Wright asked if anyone has seen or been given the calculations demonstrating that particular aspect.

Matt Garritano stated that they have those calculations, but he does not have them with him presently, but they can be available to anybody.

Jeff Wright asked at what point do those get submitted for approval by somebody.

Matt Garritano stated during the next meeting during the construction plan process.

Jeff Wright asked if he meant this Commission.

Matt Garritano confirmed stating this petition is for the preliminary approval as a favorable recommendation. They would then have to return with the construction plans.

Jeff Wright asked if the plans will include how much water is going to be stored.

Matt Garritano stated yes.

Jeff Wright asked about the off-site waters drawn; it is shown stopping at the easterly boundary of the property.

Matt Garritano stated that the wet property straddles their client's property and the easterly adjacent property.

Jeff Wright asked if any of the lands near and adjoining the blue area to the North or just to the South are wetlands.

Matt Garritano stated no. It is a presently cultivated field.

Earl Cunningham stated for clarification that the road currently being constructed is directly across from Prairie Lane and Pahs Road, almost like a continuation of Prairie Lane.

Matt Garritano stated that is correct.

Rita Beaty Kelly stated that everything that has been presented does meet the code to possibly move forward with a favorable recommendation or non-favorable recommendation.

Annemarie Polan stated yes, and that they have been through the Plat Committee already. They will also have to come back for the construction phase.

Rita Beaty Kelly asked if there is future development, would they have to come back and start all over again.

Annemarie Polan stated yes.

Annemarie Polan stated Rich Mrozinski could not attend, but he stated he has concerns about the drainage and water, so she is glad those questions were asked and addressed.

John Sullivan made motion for a favorable recommendation for Pritz Family LLC to subdivide the parcel into a 27-lot subdivision located next to and east of 8202 W. Pahs Road, Michigan City, IN., Coolspring Twp.

Glen Minich seconded.

Rita Beaty Kelly asked for a roll call for the motion.

Ashley Kazmucha stated Harold Parker.

Harold Parker stated yes.

Ashley Kazmucha stated Earl Cunningham.

Earl Cunningham stated no.

Ashley Kazmucha stated Rita Beaty.

Rita Beaty Kelly stated yes.

Ashley Kazmucha stated Gene Matzat.

Gene Matzat stated yes.

Ashley Kazmucha stated Jeff Wright.

Jeff Wright stated yes.

Ashley Kazmucha states John Sullivan.

John Sullivan stated yes.

Ashley Kazmucha stated Glen Minich.

Glen Minich stated yes.

Motion Approved. Motion carries 6-1.

2. Petitioner LaPorte SR 104 BTS Retail, LLC and Emory Investments represented by AR Engineering ("Petitioners") respectfully petitions the Plan Commission to rezone the parcel to B-1, Neighborhood Commercial District located at 3522 S, State Road 104, LaPorte, IN., Pleasant Twp., zoned M1 on 30.148 acres. Parcel 46-11-23-476-004.000-057. Exhibits attached hereto.

Doug Biege stated notice is adequate.

Tom Cowen stated he is with the Zaremba Group located at 14600 Detroit Avenue, Lakewood, Ohio.

Whitney Pizzala stated she is with AR Engineering located at 4664 Campus Drive, Kalamazoo, Michigan.

Whitney Pizzala stated they are there to present their rezone position for a 1.267-acre property. It is a part of the big acreage of the 30 acres zones M1, but they are only requesting the 1.267 acres to be rezoned. With their petition, the legal description drawn up describes the 1.267 acres. The property is located on State Route 104, just south of the railroad tracks in the town of Stillwell. There is a manufacturing building directly south of the land. They are proposing to rezone it to B1 so a Dollar General can be constructed.

Harold Parker asked if that is the prestaining property or next to it.

Rita Beaty Kelly stated it is next to it.

Harold Parker asked if they own all of the property.

Whitney Pizzala stated no, they have it on a contract to purchase the 1.267 acres.

Harold Parker stated they only own what they currently want to develop.

Whitney Pizzala stated yes.

Remonstrator:

James Rimbaugh stated his address is 15 S. Floral Ave., LaPorte, IN.

James Rimbaugh stated he was under the impression they were buying the entire Weiss property, but that question was answered during their presentation. He stated he has lived there thirty-four year and they have dealt with cattle and Weiss Prestaining over the years. Since Weiss has vacated, the property has been unkept so he welcomes somebody that will take care of the property. He asked if there is something in the variance they are requesting that would allow a storm basin on the drawing to be three feet from his property.

Attorney Biege stated that they are not asking for a variance tonight. They are asking for a zoning change. Anything having to do with the site itself is not relevant to this Commission.

James Rimbaugh stated he read a paper about asking for a difference in distances from the road and from other things.

Attorney Biege stated that was at the Board of Zoning Appeals last week.

James Rimbaugh asked if that has been approved already.

Attorney Biege stated yes. That discussion on the site and access was last week. This week is just for a change in zoning.

James Rimbaugh asked if his opinion is of value.

Attorney Biege stated absolutely, but his opinion should go to whether the zoning should remain Manufacturing or if he opposes it being zoned Business or not.

James Rimbaugh asked if he doesn't oppose a business being there, then he is for it.

Attorney Biege stated yes.

James Rimbaugh stated if he is not really keen on it being right at his back door and wondering what is going to happen to the adjacent property next to the proposed Dollar General and his property, then what.

Annemarie Polan stated those issues will still be addressed when they get their building permit and they get their state release. There will be people looking at that.

James Rimbaugh stated he said his peace.

Earl Cunningham stated for clarification if you look at the map last week when they went before the BZA, they requested a variance for the truck to be able to maneuver in and out easily.

James Rimbaugh asked if there would come a time when he would be able to get measurements of distances between his property line and their blacktop.

Attorney Biege stated there is a drawing that he can discuss with Whitney Pizzala that lists proposed distances.

Earl Cunningham stated that last week there were several remonstrators present because there was a rumor that the project would be a Dollar General distribution center which is actually going in at Westville. Most of the remonstrators were thrilled that it was not going to be a distribution center, but a store.

James Rimbaugh stated that was another question he had, that the Kingsbury store there is a large warehouse type facility behind the retail store and the diagram for the Stillwell location does not show how large it would be.

Glen Minich made a motion for a favorable recommendation for petitioners LaPorte SR 104 BTS Retail, LLC and Emory Investments represented by AR Engineering that the parcel be rezoned to B-1, Neighborhood Commercial District located at 3522 S, State Road 104, LaPorte, IN. Pleasant Twp.

Harold Parker Seconded.

All Approved. Motion carries 7-0.

3. Petitioner 111 MAPLES, LLC represented by Christopher L. Willoughby of Braje, Nelson & Janes, LLP ("Petitioner") respectfully petitions the Plan Commission to vacate a portion of a public street commonly known as Beach Drive located to the rear of the properties located at 111 and 115 Maple Drive, LaPorte, IN., Center Twp. Exhibits attached hereto.

Christopher Willoughby stated he is from Braje, Nelson, and Janes located at 126 E. 5th St., Michigan City, IN. He is there on behalf of his client 111 Maples LLC.

Christopher Willoughby supplied printouts to the Commission.

Christopher Willoughby stated he has walked the property and had the opportunity to speak to the only two neighbors required to receive notice. He spoke to Mr. Boody the day prior and learned he had been there for fifty years. He has signed consent from Mr. and Mrs. Boody. Dr. Nelson and he could not cross paths, but he has their verbal consent as well as lack of remonstrance from them against the petition. The intention of the drawings he provided are to show his clients property and the section of the road they wish to vacate between the property lines which is currently underwater in Pine Lake by about 90%. It has never been developed. The main access is the Beach Drive easements which will not be cut off. Two sets of pictures illustrate a picture to the East of his client's property and it shows there is nothing there.

Harold Parker asked if there is way to do power point in the room.

Attorney Biege stated yes, but he doesn't think anybody knows how to work it.

Harold Parker stated it would be better than paper shuffling. He stated we do use power point in industry.

Attorney Biege stated Mr. Willoughby is old school.

Christopher Willoughby stated the survey is to show the portion of the Drive they are wanting to vacate.

Attorney Biege stated they are vacating a portion of a subdivision. This was a road that was designated in a subdivision that most of which did not happen. That is what they are recommending the commissioner to do. They ultimately decide if the roadway should be vacated, but they are deciding if this segment of the subdivision may be vacated.

Harold Parker asked if they vacate this, it belongs to 111 Maples LLC and the split parcel will become one large parcel.

Christopher Willoughby stated yes.

Harold Parker asked if there is one house for the one parcel as is

Christopher Willoughby stated is it currently one house and it is subject to zoning, but if any plans were to be made, they would come back on a different petition. The vacated road would typically be split between property owners, but both sides are owned by his client.

Harold Parker asked if the plan is to leave the parcel as is so it can never be split.

Christopher Willoughby stated his client has no intention of doing so. The family owns another home nearby, but it is for family to stay in.

Harold Parker asked if they can stipulate it cannot be split if his petition is granted,

Attorney Biege stated no.

Christopher Willoughby stated that even if his client was inclined to split the property, they would have to come before the commission and ask to subdivide or otherwise create a different plan for this property. There is a system of checks and balances in place.

Harold Parker stated the problem he sees is somebody breaking it up after they gain possession of it.

Attorney Biege stated if they try to break it up, they are going to have to get it passed the Building Commissioner or it would have to be a small subdivision and they would have to come back and modify the subdivision itself.

Christopher Willoughby stated there are several lots in the parcel that are separate taxable lots. To build what his client has planned, they are combining the lots into one larger lot. That will make it difficult to split.

Attorney Biege stated he is not sure what the exact lot dimensions are, but looking at it, and having experience with old subdivisions, most of the lots are too small to build upon. Fish Lake and Hudson Lake are prime examples. You need fifteen-twenty lots to build a house. He isn't sure it is possible to break the property up any smaller than what it already is.

Glen Minich stated the petition is asking for a vacation of Beach Drive located between 111 and 115 Maple Drive.

Chris Willoughby stated that is how the agenda reads, but his petition does not.

former house has been demolished. They are combining all the lots to maximize what they can do there.

Jeff Wright asked if it is under water and undevelopable, why go through the motions to vacate if nothing is going to be done with it anyway.

Glen Minich stated it is in a lake front property. It being in a plain doesn't make it undevelopable. It means they're going to have to pay flood insurance on the home they build. It's not unbuildable.

Attorney Biege asked if his client is going to clean it up and make it one parcel.

Christopher Willoughby stated yes. Currently anybody can traipse across there or do whatever they please as it is public. The people in the area use these rights of ways as their yards. It does not cut off public access to the water, but the public would have to go across the clients' property West to East to get to this portion of the right of way, but the East and West easements are being used as peoples' yards. They're goal is to keep people from crossing their property.

Jeff Wright asked why go through those motions.

Christopher Willoughby stated he would have to know his client.

Earl Cunningham stated there are no remonstrators from the lake because they have all done the same thing when possible.

Chris Willoughby stated if they haven't, he can't believe they haven't.

Glen Minich stated it is a close neighborhood and no one seems to be opposed.

Earl Cunningham made motion to approve the petition for 111 MAPLES, LLC represented by Christopher L. Willoughby of Braje, Nelson & Janes, LLP to vacate a portion of a public street commonly known as Beach Drive located to the rear of the property located at 111 Maple Drive, LaPorte, IN., Center Twp.

Gene Matzat seconded.

All Approved. Motion carries 7-0.

Harold Parker stated to bring a power point.

Rita Beaty Kelly asked if there is any old business.

Rita Beaty Kelly asked for any new business.

Harold Parker stated a power point would be a lot easier in a meeting than looking at a multitude of papers.

Annemarie Polan stated she would take that under advisement.

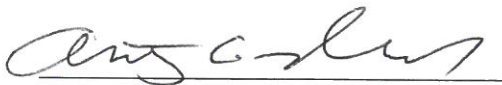
Rita Beaty Kelly asked for a motion to adjourn.

John Sullivan said so moved.

Glen Minich seconded.

All approved. Motion carries 7-0.

There being no further business before the Plan Commission, meeting adjourned at 7:00 p.m.



Anthony Hendricks, President



Annemarie Polan, Recording Sec.